

This Amended version of Rule 742-3-08 is pending approval by JCARR.

742-3-08 **Interim payments.**

- (A) “Interim payment” is defined as the stream of monthly cash partial payments made to a member of Ohio police and fire pension fund (OP&F) in order to ~~speed expedite~~ the initiation of ~~the a~~ pension or benefit to which ~~he/she may be~~ the member is entitled while OP&F determines the final pension or benefit amount to be paid to ~~such person~~ the member.
- (B) Any OP&F member who has met all the qualifications for service or disability retirement under section 742.37 or 742.39 of the Revised Code, respectively, who has filed all forms or documents necessary to process ~~his/her an~~ application for a pension or benefit, and who is not receiving a pension or benefit from OP&F is eligible to receive an interim pension or benefit payment described in paragraph (C) of this rule.
- (C) Any OP&F member who meets the requirements set forth in paragraph (B) of this rule shall be paid an interim payment under the following conditions:
- (1) The receipt of an interim payment is as binding on the member as the receipt of the regular payment of a pension or benefit. The retirement is permanent, and cannot be cancelled, the effective date cannot be changed, or the type reclassified, except that a member may elect receiving interim payments without waiving the right to appeal a disability award, as provided for in rule 742-3-05 of the Administrative Code.
 - (2) Ultimately, all interim and adjusting payments will equal the full pension or benefit which a ~~retirant~~ member is entitled to receive from OP&F.
 - (3) The calculation of the interim payment amount is based on the computation criteria or policy approved by OP&F’s board from time to time.
 - (4) The member shall be deemed to consent to the recovery of any overpayment by deduction from ~~his/her~~ the member’s monthly pension or benefit. The recovery ~~must shall~~ be accomplished in a period not to exceed the period over which the overpayment occurred.
 - (5) The member shall be informed that once ~~he/she negotiates~~ the first interim payment is negotiated, ~~he/she~~ the member can no longer purchase or reinstate any service credit. For purposes of this rule, negotiation will include the member or ~~his/her~~ the member’s authorized agent cashing, negotiating, or depositing of the warrant issued to the member.
 - (6) While a member is ~~on~~ receiving interim payments, OP&F shall not make any payments for cost of living adjustments, ~~but any.~~ Any cost of living allowances

due the member shall be paid once the member ~~converts~~ is converted to a final payment.

- (D) As required by law, the board shall require that the interim payment amount for a married member be reduced based on the member ultimately selecting a plan of payment naming the member's spouse as beneficiary, unless the spouse consents to a different designation, ~~along with the designations required under any other court orders that OP&F may have on file that require the member to elect a plan of payment pursuant to a court order issued under section 3105.171 or 3105.65 of the Revised Code or the laws of another state regarding the division of marital property or former spouse as beneficiary as required by a court order~~, but subject to the limitations outlined in section 742.3711 of the Revised Code and rules 742-3-07 and 742-3-24 of the Administrative Code. A member who is receiving an interim payment can change ~~his/her~~ an annuity payment plan selection at any time prior to negotiating the first adjusting or regular benefit payment that represents the final benefit amount payable to the member, but subject to the limitations outlined in section 742.3711 of the Revised Code and rules 742-3-07 and 742-3-24 of the Administrative Code.
- (E) No interim payment can be made to a member unless ~~his/her~~ the member's former employer has certified the last day the ~~former employee~~ member earned compensation by virtue of working or using accumulated leave to remain on active payroll status.
- (F) The receipt of an interim payment has no effect whatsoever on any election made pursuant to division ~~(B)~~ (D) of section 742.3716 of the Revised Code.
- (G) In the event ~~the~~ that a married member dies ~~prior to~~ before negotiating ~~his/her~~ the adjusting payment and ~~the married member is~~ was receiving an interim payment under a payment plan that provides for less than fifty per cent of ~~his/her~~ the member's reduced allowance to be paid to ~~a~~ the surviving spouse, then the surviving spouse is entitled only to the allowance, ~~if any~~, provided by the most recent payment plan selected by the member.
- (H) For designation of beneficiaries made under division (A)(4) of section 742.3711 of the Revised Code, the member will not be permitted to change the designation of beneficiaries during the interim payment process, ~~but will~~. The member will be permitted to change the amount payable to ~~the~~ a beneficiary during the interim payment process if proper paperwork is submitted to and approved by OP&F.